

ANDOVER BOARD OF HEALTH
Minutes
October 17, 2011, 6:00 P.M.
First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **Board of Health Meeting of September 12, 2011**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of the Board of Health Meeting of September 12, 2011. Dr. Miller abstained.

II. Appointments & Hearings

- **6:00 p.m. – Sun Son for Boston King Café, Show Cause Hearing (Continued)** – Present were Mr. Son and one of his employees. Mr. Carbone informed the Board that that this Hearing was continued for three months from July to this October meeting. During this three month period, inspections were conducted on August 4, and September 27, 2011 by Michelle Cramm, Private Inspector. Ms. Patricia A. Crafts, Health Inspector, conducted an inspection on October 6, 2011, and Mr. Carbone conducted an on-site visit on October 11th. During those inspections, there were a number of violations concerning debris and cleanliness. Mr. Son explained that he does have a cleaning company on a schedule but they were late. The Board was very concerned because it has given Mr. Son many opportunities to improve but the violations continue. The Board felt that the staff needs more training in cleaning and that there is a need to continue with the private inspections. Mr. Son stated that his staff has been using a checklist. The employee stated that he now has more responsibilities which include more cleaning duties. He uses a spray gun to clean the floor and walls out back. The old mat has been replaced with a new mat that is easier to clean. Both Ms. Martin and Dr. Miller expressed their dissatisfaction with the staff and told Mr. Son he may have to make some decisions about staffing in the future, because the Board does not want to keep seeing the same violations over and over. The Board agreed that private monthly inspections should continue and be submitted to the Health Division within 24 hours of the inspection.

Motion by Dr. Miller to continue the Show Cause Hearing for another three months and to continue with the monthly inspections. Seconded by Ms. Martin with an amendment to Dr. Miller's motion to include that if there are any critical violations during that three month period, Mr. Son will appear at the next scheduled Board of Health Meeting. Vote taken: Ms. Martin, aye, Dr. Miller, aye, Ms. Kellman, aye. Unanimous approval.

III. Discussion

- **Food Service Activity Report – 2008, 2009, 2010 - Mr.** Carbone explained that the Mass. Dept. of Public Health requires these reports every year, but had not requested them since 2007. The report gives the State the opportunity to look at trends. The total food permits remained steady, mostly because of the increase in Temporary Food Permits. The Temporary Food Permits can be more time consuming than the regular restaurant permits because we have to track things down for a short event, and we need to pay closer attention to what is going on because the food establishments are working outside of their normal environment. Inspections were down in 2010 due to the fact that our Registered Sanitarian, Daniel Tremblay, retired in February and stayed on part-time at nine hours a week. The reason the inspections did not drop drastically is because in 2008 we started using an outside contractor using Grant money. With 150 establishments in Town, we should have one full-time Food Inspector, but we are at roughly a third Full-Time Equivalent (FTE). A lot of the questions in the report focus on school kitchens and the new laws concerning allergen awareness. Typically, in the Springtime they have numbers available for review and will be able to tell us on average what the state is looking like in terms of food inspections. Ms. Martin asked about the four incidences of food borne illnesses, and Mr. Carbone explained that it means that two or more people complained about illness after eating at a restaurant. Dr. Miller asked about statistics of salmonella cases, and Mr. Carbone replied that it is very difficult to determine if the illness comes from food eaten at a restaurant or if it happens at home due to food being improperly cooked or from cross contamination. The Board discussed prioritizing food establishment inspections by the businesses that have the greatest risk first, such as restaurants as opposed to retail stores.
- **Letter to Mr. Roy D. Umanzio, Jr. Concerning a Clean-up at 218 Holt Road (in Correspondence)** – Ms. Kellman asked for clarification on an ORDER that went to the homeowner to clean up his rental property which had rubbish and debris on it. Her question was why the owner was asked to remove all debris within 24 hours, but could appeal the ORDER by requesting the appeal in writing within seven (7) days. Mr. Carbone explained that he can order the cleanup in 24 hours; however, the owner, by law, has the right to appeal any of Mr. Carbone's ORDERS. In this case, the owner cleared the property promptly and the cleanup was completed.
- **Letter to Ms. Kristine Uhlman, Semi-Public Pool Review at Avalon at Andover, 460 River Road (in Correspondence)** – Ms. Kellman asked Mr. Carbone about the letter that Mr. Carbone sent to Ms. Kristine Uhlman of Aquaknot Pools concerning the Semi-Public Pool Review for Avalon at Andover. She noted that there were several items missing from the plans that were submitted. Mr. Carbone informed Ms. Kellman that that is the reason we do a Plan Review. After the review we let the pool company know all the items that are missing. Unfortunately, some of the pool companies that submit plans for commercial pools do not seem to know all the requirements.

IV. Old Business

- **View Permit Implementation** - Ms. Martin asked Mr. Carbone how the new permitting software implementation is going and if the new system will help with statistics, such as restaurant inspections. Mr. Carbone replied that the new system should help with that, but that the implementation is running behind. The Administrative Assistant has been doing some system testing, and has found a lot of issues to be dealt with. The existing data we have will be converted and then the new permitting program will be implemented. Building will be having their data converted on October 24th, and Health will follow soon afterwards.

V. Definitive Subdivision Plans

- **Rolling Green 40B Project** – Mr. Carbone explained to the Board that this is a comprehensive permit and the Board does not need to vote on this project at this time. Mr. Carbone had a very productive meeting with the developer, Raymond Cormier. Mr. Cormier and the Engineer wanted to see what they could do to improve water quality beyond their project. The water quality from the IRS at this time is poor, and the company doing the work for the IRS is under a consent order for wetland violations from the DEP. There was some damage, possibly done while drilling the geothermal wells and dumping wastewater into the catch basins. We are seeing milky water on one side of Rte. 133. Mr. Cormier spoke about the possibility of dealing with that problem. Karen Martin, Environmental Compliance Officer at the Water Treatment Plant, was involved in those talks as well. With this development, Mr. Cormier has the ability of using open drainage swales to improve water quality.

Ms. Martin expressed her concerns about increased traffic in an area that already has a traffic problem. Mr. Cormier has spoken about doing offsite improvements that would include installing a traffic light and widening the road. The former DPW Director, Jack Petkus, always had concerns about putting in a traffic light because that would cause a backup of traffic onto Rte. 93. Ms. Martin suggested that another traffic outlet is needed for the project. Mr. Carbone stated that there was a possibility that this project will get smaller due to some of these issues. Mr. Carbone explained that the Zoning Board of Appeals (ZBA) makes the decision to approve or deny the project, and if the ZBA denies it, there may be a possibility that the Town could lose all its ability to regulate it because the applicant could appeal the decision to the State. The State could then approve it without the permission of the ZBA or the Board of Health.

- **Shattuck Road 40B Project** - Mr. Carbone explained to the Board that this is a comprehensive submittal and the Board does not need to vote on this at this time. Mr. Carbone has concerns because the Shattuck Road project is in an office park and feels that it is a bad location for a residential facility. He feels the design is too big for the site that it is going onto, and there is no area for children to play outside. The Board reviewed the plans showing the location of the project which showed a subdivided lot where the existing parking lot will be eliminated.¹ The project encompasses 10.4 acres and there

¹ The plans are too large to be put into the packet but are available at the Health Division of the Community Development and Planning Department at the Town Offices on 36 Bartlet St.

would be five buildings, a Clubhouse, and a pool. The storm drainage would go into an expanded detention basin.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval (LUA)

- N/A

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- October 26 – 28, 2011 – MHOA Conference
- November 14, 2011 at 6 p.m. – Board of Health Meeting
- November 15 at 3:30 p.m. to 7:30 p.m. – Flu Clinic at West Middle School
- November 21 at 3:30 p.m. to 7:30 p.m. – Flu Clinic at the Senior Center
- December 12, 2011 at 6 p.m. – Board of Health Meeting

B. Nurses' Reports for September, 2011 – The Nurses' Reports for July, 2011, were for informational purposes only.

C. Inspectors' Reports for September, 2011 – The Inspectors' Reports for July, 2011 were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Kellman, to adjourn at 7:06 p.m. Unanimous approval.